

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MARCUS ELDERKIN,

Plaintiff,

-v-

No. 9:14-CV-927
(DNH/ATB)

IAN CONNOR, Correctional Sergeant; and
JUSTIN M. GECEWICZ, Correctional Sergeant,

Defendants.

APPEARANCES:

OF COUNSEL:

MARCUS ELDERKIN
Plaintiff, pro se
2325 15th Street
Troy, NY 12180

CARTER, CONBOY, CASE, BLACKMORE,
MALONEY & LAIRD, P.C.
Attorneys for Defendants
20 Corporate Woods Boulevard
Albany, NY 12211

JAMES A. RESILA, ESQ.

DAVID N. HURD
United States District Judge

DECISION and ORDER

Pro se plaintiff Marcus Elderkin filed this civil rights action pursuant to 42 U.S.C. § 1983. On March 11, 2015, the Honorable Andrew T. Baxter, United States Magistrate Judge, advised by Report-Recommendation that defendants' motion to dismiss for failure to prosecute and as a discovery sanction be granted and the complaint be dismissed in its

entirety. No objections to the Report-Recommendation were filed.¹

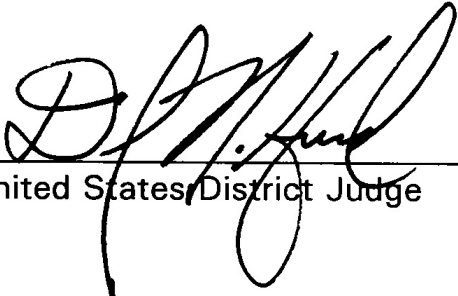
Based upon a careful review of the entire file and the recommendations of the Magistrate Judge, the Report-Recommendation is accepted in whole. See 28 U.S.C. § 636(b)(1).

Therefore, it is

ORDERED that

1. Defendants' motion to dismiss for failure to prosecute and as a discovery sanction is GRANTED;
2. The complaint is DISMISSED in its entirety; and
3. The Clerk serve a copy of this Decision and Order upon plaintiff in accordance with the Local Rules, enter judgment accordingly, and close the file.

IT IS SO ORDERED.


United States District Judge

Dated: April 2, 2015
Utica, New York.

¹ The March 11, 2015 Report-Recommendation was mailed to plaintiff at his last known address and it was returned to the court as undeliverable. The returned envelope indicated "Not here at this time." ECF Nos. 21, 22.